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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,464	02/21/2001	Nozomu Nishiberi	35.C15256	5675

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

TRAN, DOUGLAS Q

ART UNIT PAPER NUMBER

2624

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/788,464

Applicant(s)

NISHIBERI ET AL.

Examiner

Douglas Q. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment on 12/07/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoi et al. (U.S. Patent No. 5,223,858).

As to claim 1, Yokoi teaches a recording apparatus for recording on a recording medium by a recording head comprising:

a feed roller (9 in fig. 2) for feeding recording medium one by one (col. 5, lines 34-37);

a conveying roller (6 in fig. 2) for conveying a recording medium fed by the feed roller to a recording area (col. 5, lines 37-39);

a discharge roller (24 in fig. 2) for discharging a recording medium from the recording area (col. 3, lines 22-25 describes that the recording material discharging roller 24 driven the printed recording materials to a stacker 25); and

control means (13 in fig. 3, col. 3, lines 17-25 and 39-47) adapted to start the feeding of a succeeding recording medium by said feed roller before the discharge of a preceding recording medium by said discharge roller (col. 2, lines 12-16 indicates that the next recording material feeding operation is started before the completion of the discharging of the current recording material), wherein said control means determines a

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timing for starting the feeding of the succeeding recording medium by said feed roller in accordance with a leading end margin amount of the succeeding recording medium (please see S209 to S213 in fig. 7 which are indicated in col. 6, lines 5-24. It is noted that the setting the timing of the next recording material at *printing position* “S213 in fig. 7 and col. 6, lines 13-17” would include a leading end margin amount of that material because the leading end margin amount of the material is an end portion of the material that lies on the top before the printing position. Thus, the setting the timing of the next recording material at *printing position* “S213 in fig. 7 and col. 6, lines 13-17” would indicate that the setting of the timing for starting the feeding of the next recording medium in accordance with a leading end margin amount of the next recording medium).

As to claim 2, Yokoi discloses every feature discussed in claim 1, and further teaches detecting means (i.e., a sensor 15 in fig. 2) for detecting the recording medium conveyed between the feed roller (9 in fig. 2) and the conveying roller (6 in fig. 2), wherein the feed start timing is determined based on a time when the recording medium in which the record has been completed is detected by the detecting means (col. 6, lines 5-12).

As to claim 3, Yokoi discloses every feature discussed in claim 2, and further teaches when the recording medium in which the record has been completed is passing a detecting position of the detecting means on a start of a discharge operation of the recording medium, the feed start timing of the succeeding recording medium is determined by tempered with a passing movement amount of the recording medium (col. 6, lines 5-12).

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As to claim 4, Yokoi discloses every feature discussed in claim 1, and further teaches the feed roller (9 in fig. 2) and the conveying roller (6 in fig. 2) are driven by different driving means (it is noted that the feed roller 9 and the conveying roller are two different rollers).

***Allowable Subject Matter***

3. Claims 5-9 is objected to as being dependent upon a rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 12/07/04 have been fully considered but they are not persuasive.

4. Applicant's arguments, see pages 8-9, filed 12/07/04, with respect to the rejection(s) of claim(s) 1-4 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a **above new ground(s) of rejection** to claims 1-4 is made in view of Yokoi et al. (U.S. Patent No. 5,223,858).

For the above reasons, it is believed that the cited prior art fully discloses the claimed invention and the rejection stand.

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***Conclusion***

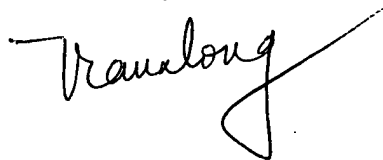
Applicant's amendment with respect to independent claims 1-4 have been considered but are moot in view of the new ground(s) of rejection. This action is made **final**.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (571) 272-7442 or E-mail address is [douglas.tran@uspto.gov](mailto:douglas.tran@uspto.gov).

Douglas Q. Tran  
June 16, 2005

A handwritten signature in black ink, appearing to read 'Tran Douglas', with a long horizontal stroke extending to the right.